



# Town of Groton, Connecticut

## Meeting Agenda

45 Fort Hill Road  
Groton, CT 06340-4394  
Town Clerk (860)441-6640  
Town Manager (860)441-6630

### Town Council

*Mayor Harry A. Watson, Councilors Peter J. Bartinik, Jr., Natalie Burfoot Billing, Heather Sherman Bond, Catherine Kolnaski, Frank O'Beirne, Jr., Paulann H. Sheets, Thomas J. Skrmetti, and Elissa T. Wright.*

Tuesday, March 02, 2004

7:30 PM

Town Hall Annex - Community Room 1

### REGULAR MEETING

#### I. ROLL CALL

#### II. SALUTE TO THE FLAG

#### III. RECOGNITION, AWARDS & MEMORIALS

2004-0026 Proclamation Recognizing Robert Wilson

Proclamation - TC

PROCLAMATION RECOGNIZING ROBERT WILSON

#### IV. CITIZENS' PETITIONS, COMMENTS AND CONCERNS

This is the portion of the Council Agenda where the Council welcomes comments from citizens. Each presentation should be limited to ten minutes or less, and citizens should, if possible, submit written comments. Presentations should be related to matters pertinent to Groton. Town Councilors will only ask questions in order to clarify the speaker's presentation and can respond during the Responses to Citizens' Petitions portion of the Town Council meeting. Citizens should make their presentations from the lectern and state their names and addresses for the record.

#### V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

#### VI. CONSENT CALENDAR

All matters listed under Item VI (Consent Calendar) are considered to be routine and will be enacted by one motion. No separate discussion of these items will take place, unless cause is shown prior to the time Council votes on the motion to adopt.

##### a. Approval of Minutes

2004-0086 Approval of Minutes (Town Council)

Referral

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council of February 17, 2004 are hereby accepted and approved.

##### b. Deletions from the Town Council Referral List

2002-0015 Community Theatre Space

Referral

2003-0297 Marine Sewage Disposal Pumpout Boat Grant

Referral

2004-0057 Adoption of Rules for Twenty-Fourth Town Council

Referral

2004-0073 Explanatory Text for April Referendum

Referral

2004-0074 Steamboat Wharf Dredging

Referral

2004-0075 Elimination of Pumpout Services for Mouse Island

Referral

2004-0079 Reappointment of Allen Palmer to the Cable TV  
Advisory Council

Referral

2004-0080	Reappointment of June DeCarlo to the Fair Rent Commission	Referral
2004-0081	Reappointment of Mary Ellen Furlong to the Inland Wetlands Agency	Referral
2004-0082	Reappointment of Catherine Talbot to the Harbor Management Commission	Referral
2004-0083	Reappointment of Jennifer Lane to the Library Board	Referral
2004-0084	Reappointment of Mary Lou Smith to the Southeastern CT Water Authority Advisory Board	Referral
2004-0087	Redevelopment of the Allyn/Bohlander Parcel	Referral
2004-0088	Adoption of Ordinance for Construction of a New Elementary School - Eastern Point	Referral
2004-0089	Adoption of Ordinance for Demolition of Freeman Hathaway and Construction of a New Elementary School	Referral
2004-0090	Adoption of Ordinance for Renovations and Additions to Fitch High School	Referral
2004-0091	Receipt of Planning Commission Report on Construction of a New Elementary School - Eastern Point	Referral
2004-0092	Receipt of Planning Commission Report on Demolition of Freeman Hathaway and Construction of a New Elementary School	Referral
2004-0093	Receipt of Planning Commission Report on Renovations and Additions to Fitch High School	Referral

#### **c. Special Trust Fund Contributions**

2004-0070	Special Trust Fund Contributions	Resolution - Consent
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RESOLUTION ACCEPTING CONTRIBUTION TO SPECIAL TRUST FUNDS

RESOLVED, that the Town Council hereby accepts contributions to the Town as follows:

J. Donald & Jean Simpson - \$60.00 - Social Services Discretionary  
 Various Donations - \$615.00 - Groton Utilities Energy Assistance Program  
 Anonymous - \$44.50 - Social Services Discretionary  
 Christopher Caswell - \$50.00 - Library Discretionary  
 Maura Dollymore - \$1,500 - Arts Cafe

## **VII. COMMUNICATION REPORTS (Other than Committee Reports)**

### **a. Town Councilors**

### **b. Representative Town Meeting**

### **c. Clerk of the Council**

### **d. Town Manager**

### **e. Town Attorney**

## **VIII. COMMITTEE REPORTS**

### **a. Community & Cultural Development - Chairman Billing**

### **b. Economic Development - Chairman Bond**

### **c. Education/Health & Social Services - Chairman Kolnaski**

**d. Environment & Recreation - Chairman Sheets****e. Finance - Chairman Wright****f. Personnel/Appointments/Rules - Chairman O'Beirne****g. Public Safety - Chairman Skrmetti****h. Public Works - Chairman Bartinik****i. Committee of the Whole - Mayor Watson****IX. UNFINISHED BUSINESS****X. NEW BUSINESS****2003-0297 Marine Sewage Disposal Pumpout Boat Grant****Referral**

RESOLUTION AUTHORIZING AN ANNUAL GRANT TO OPERATE A PUMPOUT BOAT  
WHEREAS for the past four years, the Connecticut Department of Environmental Protection has provided funding under the Clean Vessel Act for the operation of a pumpout boat in the Mystic River, and

WHEREAS the DEP grant has covered 75% of the expenses of the waste pumpout boat, with the remaining 25% of cost shared proportionally by the Harbor Commissions of Groton and Stonington, and

WHEREAS evidence of the need for the pumpout service program has been shown by the increase to over 22,000 gallons of sewage pumped in the last season, and

WHEREAS the Town of Groton will continue to manage the program, which consists of six part-time operators and one coordinator, now therefore be it

RESOLVED, that the Town Manager may sign a grant contract with DEP for a total program amount of \$24,006.00 for pumpout service in the Mystic River.

**Legislative History**

11/14/03

Referred

Town Council Finance  
Committee

2/24/04

Recommended for a  
ResolutionTown Council Finance  
Committee**2004-0057 Adoption of Rules for Twenty-Fourth Town Council****Referral**

ADOPTION OF REVISED RULES FOR THE TWENTY-FOURTH TOWN COUNCIL

WHEREAS, at the first convening of the Twenty-Fourth Town Council on November 5, 2003, Mayor Watson appointed a Temporary Rules Committee of Councilors O'Beirne, Kolnaski and Bond, and

WHEREAS, the Temporary Rules Committee has held three meetings and reviewed numerous comments and suggestions by members of the Town Council, and

WHEREAS, the report of the Temporary Rules Committee was discussed by the Town Council Committee-of-the-Whole, along with some proposed rules revisions which were not recommended for approval by the Temporary Rules Committee, now therefore be it

RESOLVED, that the Town Council adopts the "Rules of Procedure to Govern Town Council, Groton, Connecticut," attached hereto and dated March 2, 2004.

Legislative History

2/10/04	Recommended for a Resolution	Town Council Committee of the Whole
2/17/04	Re-referred	Town Council Committee of the Whole
2/17/04	Discussed	Town Council Committee of the Whole

*A motion was made by Councilor Kolnaski, seconded by Councilor O'Beirne, that this matter be adopted.*

*Councilor Wright proposed a rules amendment to eliminate rule Number 3 which prohibits Town Council members from placing Council items directly on the agenda. Councilor Wright indicated that other towns with a Town Council provide the Councilors with automatic agenda access. Councilor Wright would amend rule Number 3 to delete the line beginning with the word; "Agenda- only items reported....." and replace it with; "Agenda-The Mayor in cooperation with the Town Manager shall prepare an agenda for each regular meeting. Any Councilor may place an item or items on the agenda forty-eight hours prior to the posting of the agenda." Motion was made by Councilor Wright, seconded by Councilor Sheets to amend.*

*Councilor O'Beirne said he believes the motion for amendment is out of order and should be referred to the Committee of the Whole.*

*Town Clerk Tarbox said the motion to amend is in order.*

*Councilor Billing said she does not support this amendment. Due to the late hour she would like to propose to adopt the rules "as is", then re-refer it to the Rules Committee.*

*Mayor Watson said it has been the practice to move this to the Committee of the Whole.*

*Councilor Wright said that is acceptable to her now.*

*Motion was made by Mayor Watson, seconded by Councilor Sheets to re-refer this to the Committee of the Whole.*

2/24/04	Recommended for a Resolution	Town Council Committee of the Whole
2004-0073	Explanatory Text for April Referendum	Referral

## RESOLUTION AUTHORIZING PREPARATION OF EXPLANATORY TEXT

WHEREAS, it is in the best interests of the Town of Groton that Explanatory Text concerning the four questions to be on the ballot on April 27, 2004, be prepared and distributed to voters, now therefore be it

RESOLVED, that the Town Council authorizes such Explanatory Text to be prepared by the Town Clerk, approved by the Town Attorney, and distributed to the voters of the Town.

Legislative History

2/24/04	Town Clerk	Recommended for a Resolution	Town Council Committee of the Whole
2004-0074	Steamboat Wharf Dredging		Referral

## RESOLUTION FOR MAINTENANCE DREDGING IN THE MYSTIC RIVER ADJACENT TO STEAMBOAT WHARF

WHEREAS storm runoff from state and town roads in downtown Mystic causes silt to accumulate in the Mystic River through two outlet pipes near Steamboat Wharf, and

WHEREAS the accumulation of silt may endanger all uses of the Mystic River, including navigation, recreation and natural marine life, and

WHEREAS for several years the Town has participated, at irregular intervals, in a cooperative dredging program with Connecticut DOT and the Steamboat Wharf Condominium Association, and

WHEREAS Town staff and concerned state officials believe that maintenance dredging, such as could be done on a semi-annual basis, is more appropriate than allowing large amounts of silt to

accumulate over a period of several years, and

WHEREAS, the Department of Environmental Protection (DEP) has issued a permit that would allow the Town of Groton to use its existing sewer maintenance equipment to assist in semi-annual removal of river silt for a period of five years, now therefore be it

RESOLVED, that the Town Manager is authorized to use Town employees and equipment to perform cooperative silt removal services adjacent to the Steamboat Wharf property on the Mystic River, in cooperation with DOT and in compliance with the DEP Certificate of Permission issued to DOT and dated January 28, 2004.

**Legislative History**

2/19/04

Referred

Town Council Committee of  
the Whole

2/24/04

Recommended for a  
Resolution

Town Council Committee of  
the Whole

**2004-0075 Elimination of Pumpout Services for Mouse Island Referral**

**RESOLUTION TO ELIMINATE PUMPOUT SERVICES FOR MOUSE ISLAND**

WHEREAS, the Town in 2001 decided to provide an on-call pumpout service for three residences on Mouse Island, which had formerly been performed by private companies, and

WHEREAS, the current and continuing constraints on the budget and personnel of the Department of Public Works favor the elimination of services which have the most limited use and benefit, and

WHEREAS, the current service by the Town is time consuming and dangerous and is not cost-effective, now therefore be it

RESOLVED, that the Town Manager may cease operation of this pumpout service, effective immediately.

**Legislative History**

2/19/04

Referred

Town Council Committee of  
the Whole

2/24/04

Recommended for a  
Resolution

Town Council Committee of  
the Whole

**2004-0079 Reappointment of Allen Palmer to the Cable TV  
Advisory Council Referral**

**REAPPOINTMENT OF ALLEN PALMER TO CABLE TV ADVISORY COUNCIL**

RESOLVED, that Allen Palmer, 14 Birch Lane, is reappointed to the Cable TV Advisory Council for a term ending 07/01/05.

**Legislative History**

2/24/04

Recommended for a  
Resolution

Town Council

**2004-0080 Reappointment of June DeCarlo to the Fair Rent  
Commission Referral**

**REAPPOINTMENT OF JUNE DECARLO TO THE FAIR RENT COMMISSION**

RESOLVED, that June DeCarlo, 16 Eastwood Road, is reappointed to the Fair Rent Commission for a term ending 07/01/06.

**Legislative History**

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|-----------|--|------------------------------|--------------|-----------------|
|           | 2/24/04  | Recommended for a Resolution | Town Council |                 |
| 2004-0081 | <b>Reappointment of Mary Ellen Furlong to the Inland Wetlands Agency</b>   |                              |              | <b>Referral</b> |
|           | RESOLUTION REAPPOINTING MARY ELLEN FURLONG TO THE INLAND WETLANDS AGENCY   |                              |              |                 |
|           | RESOLVED, that Mary Ellen Furlong, 57 Fishtown Lane, Mystic, is reappointed to the Inland Wetlands Agency as an Alternate Member, with a term ending 12/31/05. |                              |              |                 |
|           | <u>Legislative History</u>   |                              |              |                 |
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|-----------|--|------------------------------|--------------|-----------------|
|           | 2/24/04  | Recommended for a Resolution | Town Council |                 |
| 2004-0082 | <b>Reappointment of Catherine Talbot to the Harbor Management Commission</b>   |                              |              | <b>Referral</b> |
|           | RESOLUTION REAPPOINTING CATHERINE TALBOT TO THE HARBOR MANAGEMENT COMMISSION   |                              |              |                 |
|           | RESOLVED, that Catherine Talbot, 10 Florence Drive, Mystic, is reappointed to the Harbor Management Commission as an Alternate Member, for a term ending 09/01/06. |                              |              |                 |
|           | <u>Legislative History</u>   |                              |              |                 |
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|-----------|---|------------------------------|--------------|-----------------|
|           | 2/24/04   | Recommended for a Resolution | Town Council |                 |
| 2004-0083 | <b>Reappointment of Jennifer Lane to the Library Board</b>  |                              |              | <b>Referral</b> |
|           | RESOLUTION REAPPOINTING JENNIFER H. LANE TO THE LIBRARY BOARD   |                              |              |                 |
|           | RESOLVED, that Jennifer H.Lane, 70 Pearl Street, Noank, is reappointed to the Library Board for a term ending 12/31/06. |                              |              |                 |
|           | <u>Legislative History</u>  |                              |              |                 |
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|-----------|--|------------------------------|--------------|-----------------|
|           | 2/24/04  | Recommended for a Resolution | Town Council |                 |
| 2004-0084 | <b>Reappointment of Mary Lou Smith to the Southeastern CT Water Authority Advisory Board</b>   |                              |              | <b>Referral</b> |
|           | RESOLUTION REAPPOINTING MARY LOU SMITH TO THE SOUTHEASTERN CT WATER AUTHORITY ADVISORY BOARD   |                              |              |                 |
|           | RESOLVED, that Mary Lou Smith, 326 Judson Avenue, Mystic, is reappointed to the Southeastern CT Water Authority Advisory Board for a term ending 09/01/05. |                              |              |                 |
|           | <u>Legislative History</u>   |                              |              |                 |
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|-----------|--|------------------------------|--------------|-----------------|
|           | 2/24/04  | Recommended for a Resolution | Town Council |                 |
| 2004-0087 | <b>Redevelopment of the Allyn/Bohlander Parcel</b>   |                              |              | <b>Referral</b> |
|           | RESOLUTION CONCERNING REDEVELOPMENT OF THE ALLYN-BOHLANDER PARCEL ON WEST MAIN STREET, MYSTIC  |                              |              |                 |
|           | WHEREAS, several stores were destroyed by a fire on West Main Street in March, 2000, and   |                              |              |                 |
|           | WHEREAS, commencing in the summer of 2000, various boards and commissions and state regulatory agencies approved or endorsed plans to build a three-story building that would be in accord with the past structure that is known from early photographs, and |                              |              |                 |
|           | WHEREAS, the Town Council has repeatedly urged and encouraged the property owner to find ways to proceed with replacing the destroyed structure, whose absence has been a drawback for residents   |                              |              |                 |

and visitors as well, and

WHEREAS, intense public interest has been expressed in favor of the visual and commercial improvement of West Main Street, and

WHEREAS, a developer who has been a resident of Groton has proposed an attractive redevelopment plan that includes retail facilities and seven residential units and is already in an advanced state of readiness and approval, and

WHEREAS, the reasonable business criteria for selling the units in such a redevelopment depends, for many reasons, on at least the minimum assured availability of one parking space for each of the seven proposed residential units, and

WHEREAS, the Town of Groton owns a sewer pump station on Gravel Street which abuts the property that is to be redeveloped and has a paved area north of the station that was originally built for maintenance vehicles that service the pump station, but has been used for parking for many years, and

WHEREAS, the developer has asked the Town Council to make the northern portion of the sewer pump station site available on a basis that would be committed for the use of purchasers of condominium residences in the proposed development, now therefore be it

RESOLVED, that the proposed lease of this Town of Groton property be referred to the Groton Planning Commission for review and report, pursuant to CGS Section 8-24, and be it

FURTHER RESOLVED, that the Town Council directs the Town Manager to have developed a lease making available the parking lot on the north end of the pump station property to include terms and conditions concerning annual payments and any and all other necessary conditions as specified in the letter from Mr. Pavarini to Mr. Oefinger dated February 17, 2004, and also in accord with the memorandum from Gary Schneider, Director of Public Works, to Mr. Oefinger, dated February 19, 2004, and the memorandum from Michael Murphy, Director of Planning and Development, to Mr. Oefinger, dated February 20, 2004, provided that the Town Manager is not hereby and shall not be authorized to execute any such lease until after the Town Council has received the Planning Commission report referenced herein, and reviewed and approved the lease document to be prepared by the Town Manager.

**Legislative History**

2/24/04

Recommended for a  
Resolution

Town Council

2004-0091

**Receipt of Planning Commission Report on Construction  
of a New Elementary School - Eastern Point**

**Referral**

RESOLUTION ON RECEIPT OF PLANNING COMMISSION REPORT ON CONSTRUCTION  
OF A NEW ELEMENTARY SCHOOL - EASTERN POINT

WHEREAS the proposed bond ordinance was referred by the Town Council to the Town Planning Commission pursuant to CGS Section 8-24, and

WHEREAS the Planning Commission, at its meeting on February 23, 2004, acted to recommend that the ordinance go to referendum (April 27, 2004 - tentative date), now therefore be it

RESOLVED, that the Town Council has received the report of the Planning Commission.

**Legislative History**

2/26/04

Referred

Town Council Committee of  
the Whole

**2004-0092      Receipt of Planning Commission Report on Demolition of      Referral**  
**Freeman Hathaway and Construction of a New**  
**Elementary School**

RESOLUTION ON RECEIPT OF PLANNING COMMISSION REPORT ON DEMOLITION OF FREEMAN HATHAWAY AND CONSTRUCTION OF A NEW ELEMENTARY SCHOOL

WHEREAS the proposed bond ordinance was referred by the Town Council to the Town Planning Commission pursuant to CGS Section 8-24, and

WHEREAS the Planning Commission, at its meeting on February 23, 2004, acted to recommend that the ordinance go to referendum (April 27, 2004 - tentative date), now therefore be it

RESOLVED, that the Town Council has received the report of the Planning Commission.

**Legislative History**

2/26/04

Referred

Town Council Committee of  
the Whole

**2004-0093      Receipt of Planning Commission Report on Renovations      Referral**  
**and Additions to Fitch High School**

RESOLUTION ON RECEIPT OF PLANNING COMMISSION REPORT ON RENOVATIONS AND ADDITIONS TO FITCH HIGH SCHOOL

WHEREAS the proposed bond ordinance was referred by the Town Council to the Town Planning Commission pursuant to CGS Section 8-24, and

WHEREAS the Planning Commission, at its meeting on February 23, 2004, acted to recommend that the ordinance go to referendum (April 27, 2004 - tentative date), now therefore be it

RESOLVED, that the Town Council has received the report of the Planning Commission.

**Legislative History**

2/26/04

Referred

Town Council Committee of  
the Whole

**2004-0088      Adoption of Ordinance for Construction of a New      Referral**  
**Elementary School - Eastern Point**

ADOPTION OF ORDINANCE APPROPRIATING \$26,100,000 FOR CONSTRUCTION OF A NEW ELEMENTARY SCHOOL ON EITHER THE EASTERN POINT SCHOOL SITE OR THE KING PROPERTY SITE AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of TWENTY SIX MILLION ONE HUNDRED THOUSAND DOLLARS (\$26,100,000) is appropriated for construction of a new Elementary School to be located on either (a) the existing Eastern Point Elementary School property off Shennecosset Road in the southwestern part of Groton, or (b) a portion of Town-owned property, the so called King property, off Poquonock Road in the southwestern part of Groton. The project will include design and construction of an approximately 74,000 square foot new elementary school which will include approximately eighteen classrooms for grades kindergarten through five, a pre-kindergarten classroom, a science classroom, art classroom, music classroom, special education spaces, resource room, media center, gymnasium, cafeteria/multi-purpose room, kitchen, spaces and facilities for administration, support services and storage, recreational fields, parking and access drives, as well as any necessary demolition of existing school facilities, off site wetland mitigation and temporary classroom and school spaces. The appropriation may be spent for design and construction costs, demolition costs, equipment, furnishings, materials, land or easement acquisition, necessary utilities, parking, road and sidewalk improvements to and on the school site, site improvements, portable classrooms, storage and moving costs, architects' fees, engineering fees, construction manager fees, legal fees, net interest on



borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council, or its designee, shall approve the final concept for the school project, subject to the determination by the voters of the Town of the project site at referendum in accordance with the provisions of Sections 9 and 11 of this ordinance. The Town Council may reduce or modify the project and may delete portions of the project if funds are insufficient to complete the entire project. Section 2. That the Town issue bonds or notes, in an amount not to exceed TWENTY SIX MILLION ONE HUNDRED THOUSAND DOLLARS (\$26,100,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Section 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed TWENTY SIX MILLION ONE HUNDRED THOUSAND DOLLARS (\$26,100,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education,

to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project.

Section 8. That the Town Manager, the Director of Finance, the Board of Education and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 9. That, notwithstanding Sections 1, 2 and 3 of this ordinance: (a) the appropriation provided in this ordinance shall be spent on, and the borrowings provided in this ordinance shall be authorized for, a school project on only one of the two sites specified in Section 1, which specific site shall be determined by the voters in the manner described in Section 11 of this ordinance; and (b) if the Eastern Point site is chosen as the site for the new elementary school, the appropriation and authorization of bonds and notes to finance the appropriation under this ordinance shall be limited to \$24,300,000.

Section 10. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Section 8.12 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

Section 11. If the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation are approved by the voters as provided in Section 10, this ordinance shall not become effective until the voters at referendum, in accordance with Section 8.12 of the Town Charter, have determined whether the expenditure of the appropriation and the borrowing authorization shall be applied to a school project at the existing Eastern Point Elementary School site or at the King property site, and notice of passage of such determination has been published in accordance with the Town Charter.

#### Legislative History

2/26/04

Referred

Town Council Committee of  
the Whole

2004-0089

#### **Adoption of Ordinance for Demolition of Freeman Hathaway and Construction of a New Elementary School**

Referral

ADOPTION OF ORDINANCE APPROPRIATING \$20,800,000 FOR DEMOLITION OF THE FORMER FREEMAN-HATHAWAY ELEMENTARY SCHOOL FACILITY AND CONSTRUCTION OF A NEW ELEMENTARY SCHOOL ON THE SAME PROPERTY AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of TWENTY MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$20,800,000) is appropriated for demolition of the former Freeman-Hathaway Elementary School facility and construction of a new Elementary School to be located on the existing Freeman-Hathaway property off Oslo Street in the northeastern part of Groton. The project will include demolition of the former school building, design and construction of an approximately 74,000 square foot new elementary school which will include eighteen classrooms for grades kindergarten through five, a pre-kindergarten classroom, a science classroom, art classroom, music classroom, special education spaces, resource room, media center, gymnasium, cafeteria/multi-purpose room, kitchen, spaces and facilities for administration, support services and storage, recreational fields, parking and access drives. The appropriation may be spent for design and construction costs, demolition costs, equipment, furnishings, materials, land or easement acquisition, necessary utilities, parking, road and sidewalk improvements to and on the school sites, site improvements, portable classrooms, storage and moving costs, architects' fees, engineering fees, construction manager fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council, or its designee, shall approve the final concept for the school project. The Town Council may reduce or modify the project and may delete portions of the project if funds are insufficient to complete the entire project.

Section 2. That the Town issue bonds or notes, in an amount not to exceed TWENTY MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$20,800,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Section 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed TWENTY MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$20,800,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project.

Section 8. That the Town Manager, the Director of Finance, the Board of Education and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 9. This ordinance shall become effective only if it has been adopted by vote of not less

than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Section 8.12 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

**Legislative History**

2/26/04

Referred

Town Council Committee of  
the Whole

2004-0090

**Adoption of Ordinance for Renovations and Additions to  
Fitch High School**

Referral

ADOPTION OF ORDINANCE APPROPRIATING \$45,000,000 FOR PHASE I OF  
RENOVATIONS AND ADDITIONS TO FITCH HIGH SCHOOL AND AUTHORIZING THE  
ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID  
APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of FORTY FIVE MILLION DOLLARS (\$45,000,000) is appropriated for renovations and additions to Fitch High School to be located on the existing high school site off Groton Long Point Road in the southern part of Groton. The Phase I project will include design and construction of additions of approximately 119,000 square feet, renovations of approximately 40,000 square feet of the existing facility and demolition of approximately 50,000 square feet of the existing facility. The additions and renovations will include approximately twenty four classrooms for grades nine through twelve, science classrooms/laboratories, art studios, technology and vocational education classrooms, language classrooms, special education classrooms, cafeteria and support spaces, and spaces and facilities for administration, support services and storage, parking and access drives as well as temporary classrooms and support spaces. The appropriation may be spent for design and construction costs, demolition costs, equipment, furnishings, materials, land or easement acquisition, necessary utilities, parking, road and sidewalk improvements to and on the school sites, site improvements, portable classrooms, storage and moving costs, architects' fees, engineering fees, construction manager fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing. The Town Council, or its designee, shall approve the final concept for the school project. The Town Council may reduce or modify the project and may delete portions of the project if funds are insufficient to complete the entire project.

Section 2. That the Town issue bonds or notes, in an amount not to exceed FORTY FIVE MILLION DOLLARS (\$45,000,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Section 7-369 and 10-289 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project or the receipt of grants for the project. The amount of the notes outstanding at any time shall not exceed FORTY FIVE MILLION DOLLARS (\$45,000,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of

any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Board of Education is authorized to apply for and accept state grants for the project. The Board of Education is authorized to file applications with the State Board of Education, to execute grant agreements for the project, and to file such documents as may be required by the State Board of Education to obtain grants for the costs of financing the project.

Section 8. That the Town Manager, the Director of Finance, the Board of Education and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 9. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Section 8.12 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

**Legislative History**

2/26/04

Referred

Town Council Committee of  
the Whole

**XI. ADJOURNMENT**